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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,721	02/06/2002	Olaf Muller	SBV-1010	8708

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EXAMINER

FLEMING, FAYE M

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 04/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/068,721

Applicant(s)

MULLER, OLAF

Examiner

Faye Fleming

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 8-10 is/are rejected.
- 7) ☒ Claim(s) 3-6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 13.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2 and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Oehm (5,897,135).

Oehm discloses an airbag apparatus having an airbag module 2; a covering device 12 having a close and open position; an airbag located behind the cover; a mechanism having a first mechanism component 56 coupled to the airbag module; and second mechanism component 57 coupled to the covering device. The airbag module and the first mechanism component forms a unit ready for installation and the second mechanism component is installed separately from the first mechanism component, as shown in figure 3. The airbag module 20 forms, together with the first mechanism component 28 a unit ready for installation. Rogers, et al teaches traction elements wherein the traction elements are traction bands mounted on the end of the second mechanism component as integral parts (see figures 4-6), the traction bands are on or within a reinforcing box 20 which supports an orifice for the

Art Unit: 3616

emergence of the airbag in an instrument panel 14. The second mechanism component 30 of the coupling mechanism and covering 22 thereof are led through pockets (the bottom of figure 3), which are integrated in an extruded profile of the airbag housing, and, on the opposite side, through putaways 42 of the reinforcing box 20, as shown in figure 3. A traction band loop and correspondingly shaped bolts 38 are provided, see figure 3. During or after the installation of the airbag apparatus behind a vehicle interior trim panel, the first mechanism component is brought into an active position with respect to the second mechanism component. The first and second mechanism are coupled to one another. With respect to claim 2, as components 56 and 57 are separate or different components, they would not touch one another prior to mounting or after demounting.

***Allowable Subject Matter***

3. Claims 3-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

4. Applicant's arguments filed January 21, 2004 have been fully considered but they are not persuasive. The applicant argues Oehm (5,897,135) teaches activating a mechanism for opening the airbag cover separately from activating the airbag; the applicant claim language "... a mechanism configured to pull said at least one covering device from the closing position to the open position

Art Unit: 3616

in order to allow an expansion of the airbag..." does not define the mechanism as activating the airbag, but allowing the airbag to expand. The applicant also argues that Oehm specifically defines that the means for removing the cover 12 from the exit opening 10 are independent of the airbag, however the applicant claim limitation ["...said mechanism (M) including a first mechanism component (M1), which is coupled firmly to the airbag module (B), and a second mechanism component (M2), which is coupled firmly to the covering device (K)..."] language states the mechanism component is coupled firmly to the airbag module not to the airbag. The examiner notes that the airbag of Oehm is of a different structure than the airbag module 2. As shown in figure 3, Oehm clearly shows the first mechanism component being coupled firmly to the airbag module and a second mechanism component being configured to be installed separately from the first mechanism component. Further, Oehm clearly teaches the claimed structure wherein the airbag module and the first and second components operates as a unit.

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH

Art Unit: 3616

shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faye Fleming whose telephone number is (703) 305-0209. The examiner can normally be reached on M-F (9:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (703) 308-2089. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/068,721

Page 6

Art Unit: 3616

Faye Fleming  
Examiner  
Art Unit 3616

*F. Fleming*  
*04/19/04*